

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,                         )  
                                                           )  
                                                           )  
Plaintiff,                                             )  
                                                           )  
                                                           )  
v.                                                             ) Criminal Action No.  
                                                           ) 10-00162-21-CR-W-FJG  
DOROTHEA L. CAIN,                                     )  
                                                           )  
                                                           )  
Defendant.                                             )

REPORT AND RECOMMENDATION

On September 29, 2010, defendant filed a motion for a judicial determination of mental competency. Defendant was examined at the Medical Center for Federal Prisoners in Fort Worth, Texas, by Leslie Powers, Ph.D., a forensic psychologist. Dr. Powers stated that defendant was competent in a report dated November 8, 2010.

On December 16, 2010, I held a competency hearing. Defendant was present, represented by David Johnson. The government was represented by Assistant United States Attorney Brent Venneman. The parties stipulated to the contents and findings of Dr. Powers as the only evidence of whether the defendant is competent to stand trial and to assist in her defense (Tr. at 2-3).<sup>1</sup>

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that the defendant is competent to stand trial and to assist in her defense. Therefore, it is

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<sup>1</sup>"Tr". refers to the transcript of the competency hearing.

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in her defense.

Counsel waived the ten day objection period set forth in 28 U.S.C. § 636(b)(1) (Tr. at 3). Any objections to this Report and Recommendation shall be filed by December 20, 2010.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
December 17, 2010